

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Lopez,

Plaintiff,

Civil No. 05-1775 (RHK/RLE)

vs.

ORDER

United States of America,

Defendant.

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson and the Objections filed thereto, and after a de novo review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 4) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 2) is **ADOPTED**; and
3. Petitioner's application for Habeas Corpus Relief under Title 28 U.S.C. § 2241 (Doc. No. 1) is summarily **DISMISSED** for lack of jurisdiction.

Dated: September 9, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge